

SOR/61-10

AERONAUTICS ACT

Air Regulations

P.C. 1960-1775

AT THE GOVERNMENT HOUSE AT OTTAWA

THURSDAY, the 29th day of DECEMBER, 1960.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL

His Excellency the Governor General in Council, on the recommendation of the Minister of Transport, pursuant to the Aeronautics Act, is pleased hereby to revoke the Air Regulations made by Order in Council P.C. 1954-1821 of 23rd November, 1954⁽¹⁾, as amended⁽²⁾, and to make the annexed Air Regulations in substitution therefor.

⁽¹⁾ SOR/54-588, CANADA GAZETTE PART II, Vol. 88, No. 23, Dec. 8, 1954, p. 2087 and Statutory Orders and Regulations Consolidation 1955, Vol. 1, p. 1

⁽²⁾ SOR/58-400, CANADA GAZETTE PART II, Vol. 92, No. 19, Oct. 8, 1958

AIR REGULATIONS, 1960

Part I

GENERAL

Short Title

100. These Regulations may be cited as the *Air Regulations*.

Interpretation

101. In these Regulations,

- (1) "acrobatic flight" means manoeuvres intentionally performed by an aircraft, involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed;
- (2) "aerodrome" means a defined area of land or water used or intended to be used either wholly or in part for the arrival, departure, movement or servicing of aircraft, (including any buildings, installations and equipment in connection therewith);
- (3) "aerodrome traffic zone" means an airspace extending upwards vertically from the surface of the earth and designated as an aerodrome traffic zone in the Designated Airspace Handbook issued under the authority of the Minister;
- (4) "aeroplane" means a power-driven heavier-than-air aircraft, deriving its lift in flight from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- (5) "aircraft" means any machine capable of deriving support in the atmosphere from the reactions of the air;
- (6) "aircraft accident" means an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which
 - (a) any person suffers death or serious injury as a result of being in or upon the aircraft or by direct contact with the aircraft or anything attached thereto, or
 - (b) the aircraft receives substantial damage or is destroyed;
- (7) "aircraft accident investigator" means a member of the Department of Transport who is responsible for the investigation of aircraft accidents;
- (8) "airport" means an aerodrome for which, under Part III, an airport licence has been issued by the Minister;
- (9) "airport traffic" means all traffic on the manoeuvring area of an airport and all aircraft flying in the vicinity of an airport;
- (10) "airship" means a power-driven lighter-than-air aircraft;

- (11) "air traffic" means all aircraft in flight and aircraft operating on the manoeuvring area of an aerodrome;
- (12) "air traffic control clearance" means authorization by an air traffic control unit for an aircraft to proceed under specified conditions;
- (13) "air traffic control instruction" means a directive issued by an air traffic control unit for air traffic control purposes;
- (14) "air traffic control service" means a service as specified in Part VI, provided for the purpose of
 - (a) preventing collisions
 - (i) between aircraft; and
 - (ii) on the manoeuvring area between aircraft and obstructions, and
 - (b) expediting and maintaining an orderly flow of air traffic;
- (15) "air traffic control unit" means
 - (a) an area control centre established to provide air traffic control service to IFR flights;
 - (b) an approach control unit established to provide air traffic control service to IFR flights arriving at, or departing from, one or more airports; or
 - (c) an airport control tower unit established to provide air traffic control service to airport traffic;as the circumstances require;
- (16) "alternate airport" means an aerodrome specified in a flight plan to which a flight may proceed when a landing at the intended destination becomes inadvisable;
- (17) "balloon" means a motorless lighter-than-air aircraft;
- (18) "Canadian aircraft" means an aircraft registered in Canada under Part II;
- (19) "ceiling" means the lowest height at which a broken or overcast condition exists, or the vertical visibility when an obscured condition such as snow, smoke or fog exists, whichever is the lower;
- (20) "certificate of airworthiness" means a conditional certificate of fitness for flight issued in respect of a particular aircraft under Part II of these Regulations or under the laws of the state in which the aircraft is registered;
- (21) "civil aircraft" means any aircraft other than a military aircraft;
- (22) "commercial aircraft" means an aircraft operated or available for operation for hire or reward;
- (23) "commercial air service" means any use of aircraft for hire or reward;
- (24) "contracting state" means a state that is a party to the Convention;
- (25) "control area" means a controlled airspace extending upwards vertically from a specified height above the surface of the earth and designated as a control area in the Designated Airspace Handbook issued under the authority of the Minister;

Part II

REGISTRATION, CERTIFICATION AND MARKING

DIVISION I

Aircraft Registration

200. No person shall fly an aircraft in Canada unless it is registered
- (a) under this Part, or
 - (b) under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying.

201. The Minister shall cause a register of aircraft to be maintained in which shall be entered the names of the owner or owners of every aircraft registered under this Part and such other particulars concerning the aircraft as the Minister directs.

202. Subject to this Part, the Minister may direct that no aircraft shall be registered under this Part except upon application for registration of the aircraft in such form as may be prescribed by the Minister and except upon such terms and conditions as may be prescribed by him.

203. The Minister may, subject to this Part, register any aircraft under this Part as a commercial aircraft, private aircraft or state aircraft.

204. (1) No aircraft shall be registered under this Part unless,
- (a) it is a state aircraft or is owned exclusively by a person qualified under subsection (2) to be the registered owner of a Canadian aircraft;
 - (b) there is in force in respect of the aircraft a certificate of airworthiness or a flight permit issued under this Part;
 - (c) all duties due and payable under the laws of Canada in respect of the importation of the aircraft into Canada have been paid; and
 - (d) the aircraft is not registered elsewhere than in Canada.

(2) For the purpose of paragraph (a) of subsection (1), a person is qualified to be the registered owner of a Canadian aircraft who is

- (a) a Canadian citizen,
- (b) a person, lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years,
- (c) a corporation incorporated under the laws of Canada or any province, at least two-thirds of the directors of which are Canadian citizens,
- (d) in the case of a private aircraft,
 - (i) a citizen or subject of a contracting state who normally resides in Canada, or
 - (ii) a corporation incorporated under the laws of Canada or a province.

- (44) "IFR weather conditions" means weather conditions below the minima prescribed pursuant to section 541;
- (45) "IFR flight" means a flight conducted in accordance with the instrument flight rules;
- (46) "issue", in relation to any document, includes any renewal, endorsement or validation thereof as provided in these Regulations, and "issued" has a corresponding meaning;
- (47) "landing", in relation to an aircraft, means the act of coming into contact with a supporting surface, and includes the immediately preceding and following acts, and in relation to an airship or free balloon means the act of bringing the airship or balloon under restraint, and includes the immediately preceding and following acts;
- (48) "lighter-than-air aircraft" means any aircraft supported by its buoyancy in the air;
- (49) "making way" means the state of being under way on the surface of the water and having a velocity relative to such surface;
- (50) "manoeuvring area" means that part of an airport ordinarily used for the taking off and landing of aircraft and for the movement of aircraft associated with take-off and landing;
- (51) "Minister" means the Minister as defined in the Aeronautics Act;
- (52) "night" means, in respect of any place in Canada, the period of time in any day when the centre of the sun's disc is more than six degrees below the horizon and in any area of Canada where the sun rises and sets daily, night may be calculated as the period of time commencing not less than one-half hour after sunset and ending not less than one-half hour before sunrise;
- (53) "operator", with reference to an aircraft, means the person in possession of the aircraft, whether as owner, lessee, hirer, or otherwise; and with reference to an airport, means the holder of the airport licence, or the person in charge of such airport, whether as employee, agent or representative of the holder of such licence;
- (54) "overtaking aircraft" means an aircraft that is approaching another from the rear on a line forming an angle of less than 70° with the plane of symmetry of the latter; *i.e.* is in such a position with reference to the other aircraft that at night it is not ordinarily possible to see either of the aircraft's forward lights;
- (55) "owner", with reference to an aircraft, includes:
 - (a) the person in whose name the aircraft is registered,
 - (b) a person in possession of the aircraft as purchaser under a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment of the purchase price or the performance of certain conditions,
 - (c) a person in possession of the aircraft as chattel mortgagor under a chattel mortgage, and
 - (d) a person in possession of the aircraft under a *bona-fide* lease or agreement of hire;

- (56) "pilot-in-command" means the pilot responsible for the operation and safety of the aircraft during flight time;
- (57) "private aircraft" means a civil aircraft other than a commercial aircraft or a state aircraft;
- (58) "state aircraft" means a civil aircraft owned by and exclusively used in the service of Her Majesty in right of Canada or in right of any province;
- (59) "taking off", in relation to an aircraft, means the act of abandoning a supporting surface and includes the immediately preceding and following acts, and in relation to an airship or balloon means the act of freeing the airship or balloon from restraint, and includes the immediately preceding and following acts;
- (60) "ultra-light aircraft" means an aircraft designated as such pursuant to subsection (3) of section 211;
- (61) "under control" means the state of being manoeuvrable in accordance with these Regulations or the Regulations under the *Canada Shipping Act* for preventing collisions at sea;
- (62) "under way" means the state of being on the surface of the water but not moored or fastened to any fixed object on the land or in the water;
- (63) "vessel" means any ship, boat or other vessel used for navigation on water;
- (64) "VFR" means the visual flight rules;
- (65) "VFR flight" means a flight conducted in accordance with the visual flight rules, and "special VFR flight" means a flight conducted in accordance with directions issued by the Minister under section 503;
- (66) "VFR weather conditions" means weather conditions equal to or above the minima prescribed pursuant to section 541;
- (67) "visibility" means the distance at which prominent unlighted objects may be identified by day and prominent lighted objects may be identified by night; and
- (68) "visual flight rules" means the rules set forth in Division III of Part V of these Regulations and in the orders and directions made by the Minister thereunder.

Application

102. (1) Except as provided in this Part, these Regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada.

- (2) These Regulations do not apply in respect of
 - (a) a military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence, or
 - (b) military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these Regulations.

(3) These Regulations do not apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, insofar as they are inconsistent with or repugnant to the laws and procedures of such other country.

(4) The Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of these Regulations or any portion thereof.

103. For the purposes of these Regulations a state aircraft shall be deemed to be a commercial aircraft.

Part II

REGISTRATION, CERTIFICATION AND MARKING

DIVISION I

Aircraft Registration

200. No person shall fly an aircraft in Canada unless it is registered

- (a) under this Part, or
- (b) under the laws of a contracting state or a state that is a party to an agreement entered into with Canada relating to interstate flying.

201. The Minister shall cause a register of aircraft to be maintained in which shall be entered the names of the owner or owners of every aircraft registered under this Part and such other particulars concerning the aircraft as the Minister directs.

202. Subject to this Part, the Minister may direct that no aircraft shall be registered under this Part except upon application for registration of the aircraft in such form as may be prescribed by the Minister and except upon such terms and conditions as may be prescribed by him.

203. The Minister may, subject to this Part, register any aircraft under this Part as a commercial aircraft, private aircraft or state aircraft.

204. (1) No aircraft shall be registered under this Part unless,

- (a) it is a state aircraft or is owned exclusively by a person qualified under subsection (2) to be the registered owner of a Canadian aircraft;
- (b) there is in force in respect of the aircraft a certificate of airworthiness or a flight permit issued under this Part;
- (c) all duties due and payable under the laws of Canada in respect of the importation of the aircraft into Canada have been paid; and
- (d) the aircraft is not registered elsewhere than in Canada.

(2) For the purpose of paragraph (a) of subsection (1), a person is qualified to be the registered owner of a Canadian aircraft who is

- (a) a Canadian citizen,
- (b) a person, lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years,
- (c) a corporation incorporated under the laws of Canada or any province, at least two-thirds of the directors of which are Canadian citizens,
- (d) in the case of a private aircraft,
 - (i) a citizen or subject of a contracting state who normally resides in Canada, or
 - (ii) a corporation incorporated under the laws of Canada or a province.

205. Notwithstanding anything in this Part, an aircraft that is the subject of

- (a) a chattel mortgage, or
- (b) a conditional sale or hire-purchase agreement that reserves to the vendor the title to the aircraft until payment in full of the purchase price or the satisfaction of some other condition

may be registered in the name of the mortgagor or purchaser as owner of the aircraft if such mortgagor or purchaser is qualified under section 204 to be the registered owner of a Canadian aircraft and the Minister is satisfied that it is in the public interest so to do.

206. Upon the registration of an aircraft under this Part a registration mark and certificate of registration shall be issued and delivered to the owner as prescribed by the Minister.

207. (1) Where any Canadian aircraft is destroyed or permanently withdrawn from use, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration of the aircraft shall be deemed to have been cancelled as of the date of such notification.

(2) Where the ownership of a Canadian aircraft is changed, the registered owner of the aircraft shall forthwith so notify the Minister in writing and the registration and certificate of registration shall be deemed to have been cancelled as of the date of such change of ownership, but the nationality and registration marks shall not be altered unless the aircraft is subsequently registered in a country other than Canada.

(3) The Minister may at any time cancel the registration of any aircraft under this Part.

208. Where a Canadian aircraft that is a private aircraft is owned by any person other than a Canadian citizen or a corporation mentioned in paragraph (c) of subsection (2) of section 204, no person shall

- (a) operate the aircraft from a base outside Canada for an aggregate period of more than six months in any period of twelve months; or
- (b) fly the aircraft in any country other than Canada or the country of which the registered owner is a citizen or subject.

209. (1) No person shall operate any aircraft in Canada for an aggregate period of more than six months in any 12-month period unless it is registered

- (a) under this Part, or
- (b) under the laws of the contracting state that grants reciprocal privileges under like terms and conditions in respect of aircraft registered under this Part.

(2) No person shall use an aircraft in a commercial air service that is operated wholly within Canada unless the aircraft is registered;

- (a) under this Part as a commercial aircraft, or
- (b) in a contracting state and special permission has been granted by the Minister to use the aircraft for that purpose.

DIVISION II

Aircraft Airworthiness

210. No person shall fly or attempt to fly an aircraft unless there is in force in respect of the aircraft a certificate of airworthiness issued under this Part or under the laws of the country in which the aircraft is registered or a flight permit issued under this Part, and unless all conditions upon which the certificate or permit was issued have been complied with.

211. (1) The Minister may establish standards of airworthiness for aircraft, including requirements in respect of the design, construction, weight, instruments and equipment of the aircraft and any other matter relating to the safety of such aircraft.

(2) The Minister, upon being satisfied that an aircraft conforms to the standards of airworthiness established in respect of that aircraft, may issue a certificate, to be known as a certificate of airworthiness, in a form prescribed by the Minister, and may renew an existing certificate of airworthiness by an endorsement thereon.

(3) The Minister may designate any aeroplane or fixed wing glider as an ultra-light aircraft when, by reason of its low weight or low wing loading and its particular design, it is not practicable to prescribe standards of airworthiness for it.

(4) The Minister may issue in respect of an ultra-light aircraft or a private aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister, and may make directions concerning equipment, weight, instruments and any other matters relating to the operation of such aircraft.

(5) The Minister may issue in respect of an aircraft a permit (to be known as a flight permit) in a form prescribed by the Minister, in any case where the aircraft is to be operated for purposes of experiment, test, demonstration or other special flight.

(6) A certificate of airworthiness or flight permit issued under this Part shall contain such conditions relating to the equipment, maintenance and operation of the aircraft as may be prescribed by the Minister, and the conditions so prescribed may be amended at any time by the Minister.

(7) The Minister may at any time inspect or cause to be inspected any aircraft in respect of which a certificate of airworthiness or a flight permit has been issued under this Part.

(8) The Minister may establish standards for the inspection, maintenance, modification, repair and overhaul of any aircraft including requirements in respect of the instruments and equipment and any other matter relating to the safety of such aircraft.

212. The Minister may, if he has reason to believe that an aircraft is unsafe for flying, suspend the certificate of airworthiness or flight permit issued in respect of that aircraft.

213. The Minister may cancel or suspend a certificate of airworthiness or a flight permit where

- (a) he is of the opinion that cancellation or suspension is advisable having regard to the safety of aerial navigation,
- (b) the certificate or permit has been mutilated, altered or rendered illegible, or
- (c) the aircraft in respect of which the certificate or permit was issued has been destroyed or withdrawn from use.

214. An aircraft type approval may be issued by the Minister in respect of any type of aircraft that in his opinion complies with standards of airworthiness approved or established by the Minister.

215. The Minister may make directions with respect to the times when a certificate of airworthiness or flight permit are in force.

216. The Minister may prescribe such additional requirements in respect of the equipment and maintenance of any aircraft as he considers necessary by reason of the conditions under which the aircraft is operated.

217. No person shall fly or attempt to fly any aircraft unless

- (a) the weight of the aircraft and its load does not exceed the maximum permissible weight specified in the certificate of airworthiness or flight permit;
- (b) the load is properly disposed in accordance with the conditions of the certificate of airworthiness or flight permit;
- (c) the equipment and any cargo carried are secured so as to prevent shifting in flight and are not so placed as to block or restrict the exit of passengers in an emergency;
- (d) the required emergency equipment is carried on board and is in good condition; and
- (e) the aircraft is safe and fit in all respects for the intended flight.

218. Every operator engaged in private or commercial air operations shall, when required by a person thereto authorized by the Minister, permit such person to have access to and to inspect and examine all parts of the premises, aircraft, equipment and records used in such operations and to make such enquiries as he deems necessary for the purpose of this Part.

219. Where any Canadian aircraft is damaged to such an extent that repairs other than ordinary running repairs or replacements are necessary, the owner or pilot-in-command thereof shall notify the Minister forthwith, giving full particulars of such damage.

DIVISION III

Nationality and Registration Marks

220. (1) No person shall fly or attempt to fly an aircraft unless its nationality and registration marks are painted on or affixed to the aircraft in the manner prescribed by the laws of the state in which the aircraft is registered, and are clean and visible.

(2) The nationality and registration marks of a Canadian aircraft shall be painted on or affixed to the aircraft as may be directed by the Minister.

221. Every aircraft shall carry a fireproof identification plate inscribed with its nationality and registration marks, which plate shall be secured in a prominent position near the main entrance to the aircraft.

222. The nationality mark of a Canadian aircraft shall be a combination of two capital letters, and the registration mark shall be a combination of three capital letters, as specified by the Minister.

Part III

AERODROMES

300. No area of land or water shall be used as an airport unless it has been licensed as such as provided in this Part.

301. The minister may issue in respect of any aerodrome that contains such installations and equipment for the arrival, departure, movement or servicing of aircraft as are specified by him, a licence, to be known as an airport licence, entitling the person named therein to operate the aerodrome as an airport.

302. Every airport licence shall be in such form as the Minister prescribes and shall contain such conditions relating to the installation, equipment, maintenance, lighting, marking, use and operation of the airport as the Minister deems necessary, and the conditions so contained in the licence may be amended at any time by the Minister.

303. Subject to these Regulations, the Minister may prescribe the conditions upon which airport licences may be issued and the form of applications for airport licences.

304. The Minister may cancel or suspend an airport licence at any time for any reason that to him seems sufficient.

305. The holder of an airport licence shall

- (a) comply with all conditions of issue of such licence; and
- (b) keep the licence and a copy of the tariff of fees prescribed or approved for the airport displayed in a prominent place at the airport.

306. An airport licence is not valid after fourteen days from the date of any change in the ownership of the airport in respect of which it was issued, unless sooner renewed by the Minister.

307. No person shall knowingly use any airport for any purpose contrary to the conditions of issue of the airport licence.

308. State aircraft shall be permitted the use of any airport and its facilities at all reasonable times, subject to the conditions of issue of the airport licence.

309. As soon as possible after landing at any airport, the pilot-in-command of the aircraft shall report or cause to be reported the fact of such landing to the operator of the airport or his accredited representative.

310. Every airport and all aircraft using the airport are subject at all times to inspection by the Minister or any person thereto authorized by him, but no building used exclusively for purposes relating to the construction or design of aircraft or aircraft equipment is subject to inspection by any such person except upon the written order of the Minister.

311. The Minister may make directions

- (a) prescribing the marks and lights to be displayed by day and by night at any aerodrome;
- (b) prescribing or approving the fees that may be charged for the use of any airport or its facilities; and
- (c) prescribing such other conditions as he deems necessary respecting the operation of any aerodrome.

312. During daytime periods of poor visibility, lights used for the night lighting of aerodromes shall be operated whenever possible and insofar as may be necessary under the circumstances.

313. No person shall

- (a) walk or stand, or drive or park any vehicle, on any part of an airport used for the movement of aircraft except in accordance with permission given by the appropriate air traffic control unit or, in the absence of any such unit, by the operator of the airport;
- (b) operate any vessel on or cause any floating or other obstruction on the surface of any part of the water area of an airport that is necessary for the safe and proper navigation of aircraft to be kept clear of obstructions, when warned off, by signal or otherwise, by the appropriate air traffic control unit or other person as provided in paragraph (a);
- (c) mark or display at any place other than an aerodrome any mark, light or signal calculated or likely to induce any person to believe that the place is an aerodrome;
- (d) exhibit at or in the vicinity of an aerodrome any light or signal which may endanger the safety of aircraft by reason of glare or by causing confusion with or preventing clear visual reception of any light or signal prescribed by these Regulations;
- (e) knowingly remove, deface, extinguish or interfere with any light or signal used for the purpose of air navigation;
- (f) allow any animal that is owned by him or is in his custody or control to run at large within the boundaries of an airport or an aerodrome; or
- (g) discharge any firearm within or into the boundaries of an airport or an aerodrome without the permission of the operator of the airport or the aerodrome.

314. The operator of an airport may remove or cause to be removed from the water surface of the airport any logs or any other floating obstruction or obstacle that, in his opinion, constitutes a menace to the safe operation of aircraft at or in the vicinity of the airport, and may convey or cause to be conveyed such logs or other thing causing or forming part of such obstruction or obstacle to such convenient place as he deems suitable and proper.

315. The use of any licensed or unlicensed area for landing or taking off an aircraft is *prima facie* proof of the acceptance by the pilot-in-command of the aircraft of the suitability of that area for the intended operation.

Part IV

PERSONNEL LICENSING

400. Except as provided in this Part, no person shall fly or attempt to fly as a flight crew member of an aircraft unless he is the holder of a valid and subsisting licence or permit appropriate to his duties, issued under this Part.

401. Except as otherwise directed by the Minister, a person is entitled to fly as a flight crew member of an aircraft registered in a contracting state if he is the holder of a licence or permit appropriate to his duties issued or validated under the laws of that state.

402. The Minister may direct that no person shall perform or attempt to perform duties, other than duties of a flight crew member, of a kind specified by the Minister, that affect or may affect the safety of any aircraft, unless that person is the holder of a licence appropriate to his duties, issued under this Part.

403. The Minister may make directions specifying

- (a) the various classes of licences and permits that may be issued under this Part;
- (b) the duties and functions that may be carried out by the holder of a licence or permit of any class;
- (c) the category, class or type of aircraft and the types of aircraft operations in which the privileges attaching to licences or permits of flight crew members may be exercised;
- (d) the qualifications as to age, physical conditions, knowledge, experience and skill of persons to whom licences or permits may be issued under this Part;
- (e) the nature of the examinations or tests to be undergone and information to be submitted by any person applying to have a licence or permit issued, renewed or validated or to have the conditions or privileges of a licence or permit varied; and
- (f) such other conditions and limitations as the Minister deems advisable affecting the privileges attaching to licences or permits issued under this Part.

404. The Minister may, upon being satisfied as to the qualifications of any applicant,

- (a) issue to the applicant a licence or permit appropriate to his qualifications, in a form prescribed by the Minister;
- (b) issue to the applicant a document, in a form prescribed by the Minister, validating in Canada any licence appropriate to the qualifications of the applicant, held by the applicant under the laws of a contracting state or a country that is a party to an agreement entered into with Canada relating to interstate flying; or
- (c) enter on any licence or permit held by the applicant an endorsement extending to the applicant the privilege of performing additional duties or functions appropriate to his qualifications.

405. No licence or permit shall be issued to a person and no licence held by a person shall be validated under this Part unless that person is

- (a) a Canadian citizen;
- (b) a person lawfully admitted to Canada for permanent residence who, since being so admitted, has been ordinarily resident in Canada for a period of not more than six years; or
- (c) a citizen or subject of a contracting state that grants like privileges to Canadian citizens on equal terms and conditions as citizens or subjects of that state.

406. A licence, permit or document validating any licence issued under this Part may contain such conditions as the Minister prescribes, and the conditions may be amended at any time by the Minister.

407. The Minister may at any time for any reason that to him seems sufficient cancel or suspend a licence, permit or document validating any licence issued under this Part.

408. No person shall fly or attempt to fly as a flight crew member of an aircraft, or otherwise act or attempt to act in the capacity in which a licence issued or validated under this Part entitles him to act,

- (a) if he is aware of being under any physical disability that might render him unable to meet the requirements as to physical condition for the issue or renewal of the licence;
- (b) while his ability so to act is impaired by alcohol or a drug;
- (c) during any period for which his licence or the document validating his licence has been suspended; or
- (d) after his licence or the document validating his licence has been cancelled or has expired.

Part V

RULES OF THE AIR

DIVISION I

500. All Canadian aircraft in flight over the high seas shall comply with the Rules of the Air contained in Annex 2 to the Convention as amended from time to time.

DIVISION II

General Rules

501. The pilot-in-command of an aircraft, prior to the commencement of any flight, shall ascertain whether the conditions of flight are such as to enable the flight to be conducted in accordance with the visual flight rules.

502. In any case where the pilot-in-command of an aircraft ascertains that the conditions of flight are not such as to enable the flight to be conducted in accordance with the visual flight rules, the flight shall be conducted in accordance with the instrument flight rules.

503. When so directed by the Minister, visual flights may be conducted within control zones under IFR weather conditions without complying with the instrument flight rules.

504. Prior to the commencement of any flight the pilot-in-command of an aircraft shall familiarize himself with all available information appropriate to the intended flight.

505. The pilot-in-command of an aircraft shall comply with all air traffic control instructions directed to and received by him and with all air traffic control clearances received and accepted by him.

506. When so directed by the Minister, aircraft flown within controlled airspace shall comply with the instrument flight rules.

507. No person shall create a hazard to persons or property on the ground or water by dropping anything from an aircraft in flight.

508. (1) Subject to this section, the Minister may make directions prohibiting or restricting the navigation of aircraft over such areas as are specified by the Minister, either absolutely or subject to such exceptions or conditions as may be specified by him.

(2) No aircraft shall be flown over

(a) any penitentiary, as defined in the Penitentiary Act, at an altitude below 5,000 feet above the ground, or

(b) any area specified by direction of the Minister as an area over which the navigation of aircraft is prohibited,

except with the permission of the Minister and subject to such terms and conditions as may be specified by the Minister.

509. No object shall be towed by any aircraft, except in accordance with such conditions as may be specified by the Minister.

510. Parachute descents, other than emergency descents, shall not be made in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister.

511. No person shall enter or attempt to enter any aircraft in flight or leave or attempt to leave any aircraft in flight except for the purpose of making a parachute descent, or give upon any aircraft in flight any gymnastic or other like exhibition.

512. No aircraft shall be flown in any acrobatic flight

- (a) so as to endanger or be likely to endanger air traffic in the vicinity of the aircraft;
- (b) over any urban or other populous area; or
- (c) in controlled airspace or within any air route designated as such by the Minister except in accordance with the written authorization of the Minister.

513. No aircraft shall be flown in any acrobatic flight or exhibition flight over any assembly of persons except in accordance with the written authorization of the Minister.

514. No person in any aircraft shall execute any acrobatic flying unless he is the sole occupant of the aircraft or is a flying instructor authorized in accordance with these Regulations to engage in giving dual flying instructions.

515. (1) No aircraft shall be operated in such a negligent or reckless manner as to endanger or be likely to endanger the life or property of any person.

(2) No aircraft shall be flown in such a manner as to create a shock wave the effect of which is to create or likely to create a hazard to other aircraft or to persons or property on the ground.

516. The pilot-in-command of an aircraft operated on or in the vicinity of an aerodrome shall

- (a) observe other aerodrome traffic for the purpose of avoiding collision;
- (b) conform with or avoid the pattern of traffic formed by other aircraft in operation;
- (c) make all turns to the left, when approaching for a landing and after taking off, unless otherwise directed by the Minister, except that an air traffic control unit may authorize a turn or partial turn to the right when desirable in specific instances;
- (d) land and take off, insofar as practicable into the wind unless otherwise authorized by the appropriate air traffic control unit;

- (e) maintain a continuous watch on the radio frequencies designated for airport control communications or, if such continuous watch is not possible, keep a watch for such instructions as may be issued by visual means in any case where an aircraft control unit is in operation; and
- (f) obtain, either by radio or by visual signal, such authorization for his movements from the appropriate air traffic control unit, if any such unit is in operation, as may be necessary for the protection of airport traffic.

517. No person shall fly an aircraft at a height of less than two thousand feet over an aerodrome except for the purpose of landing or taking off or except as otherwise directed by an air traffic control unit.

518. No aircraft shall be flown in such proximity to any other aircraft as to create a collision hazard.

519. No aircraft shall be flown in formation except by pre-arrangement between the pilots-in-command of such aircraft and, within any control zone, between the pilots-in-command of such aircraft and the appropriate air traffic control unit.

520. When two aircraft are on converging courses at approximately the same altitude, the aircraft that has the other on its right shall give way, except as follows:

- (a) power-driven heavier-than-air aircraft shall give way to airships, gliders and balloons;
- (b) airships shall give way to gliders and balloons;
- (c) gliders shall give way to balloons;
- (d) power-driven aircraft shall give way to aircraft that are seen to be towing aircraft or other objects.

521. The aircraft that has the right-of-way shall maintain its course and speed, but nothing in this Part relieves the pilot-in-command of any aircraft from the responsibility of taking such action as is necessary to avoid collision; any aircraft that is required to keep out of the way of another shall avoid passing over or under, or crossing, ahead of the other unless passing or crossing well clear of it.

522. When two aircraft are approaching head-on or approximately so and there is danger of collision, each shall alter its course to the right.

523. An aircraft that is being overtaken has the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering its course to the right and no subsequent change in the relative positions of the two aircraft shall absolve the overtaking aircraft from the obligation so to alter its course until it is entirely past and clear of the other.

524. Aircraft in flight or manoeuvring on the ground or water shall give way to other aircraft landing or about to land.

525. Where two or more heavier-than-air aircraft are approaching an aerodrome for the purpose of landing the aircraft at the higher altitude shall give way to aircraft at the lower altitude, but the latter shall not take advantage of this requirement to manoeuvre in front of another aircraft that is about to land, or to overtake that aircraft; power-driven heavier-than-air aircraft shall give way to gliders where both such aircraft are approaching an airport for the purpose of landing.

526. No aircraft shall take off or attempt to take off until such time as there is no apparent risk of collision with any other aircraft.

527. Where the pilot-in-command of an aircraft is aware that another aircraft is compelled to land, he shall give way to such other aircraft.

528. Where the pilot-in-command of an aircraft declares that an emergency situation exists as a result of which it is necessary for the appropriate air traffic control unit to give priority to such aircraft, the pilot-in-command shall make a full report of the situation to such air traffic control unit within forty-eight hours thereafter.

529. Except when taking off from or landing at an airport or military aerodrome or except as specifically authorized by the Minister, aircraft shall not be flown

- (a) over the built-up areas of any city, town or other settlement or over an open-air assembly of persons, except at an altitude that will permit, in the event of an emergency, the landing of the aircraft without undue hazard to persons or property on the surface; such altitudes shall not in any case be less than one thousand feet above the highest obstacle within a horizontal radius of two thousand feet from the aircraft; and
- (b) elsewhere than over any area mentioned in paragraph (a), except at altitudes of not less than five hundred feet above the surface of the ground or water, unless such flight may be made without undue hazard to persons or property on the surface.

530. The Minister may make directions with respect to cruising altitudes.

531. The pilot-in-command of an aircraft on the water shall,

- (a) when on the waters of the Great Lakes, their connecting and tributary waters and on the Ottawa and St. Lawrence rivers and their tributaries as far east as the lower exit of the Lachine Canal and the Victoria Bridge at Montreal, comply with the "*Rules of the Road for the Great Lakes*" established pursuant to the *Canada Shipping Act*; and
- (b) when on any other inland waters in Canada or on the high seas, comply with the "*Regulations for Preventing Collisions at Sea*" established pursuant to that Act.

532. (1) When two aircraft or an aircraft and a vessel are approaching one another on the water and there is a risk of collision, the aircraft in question shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(2) An aircraft on the water that has another aircraft or a vessel on its right shall give way so as to keep well clear.

(3) An aircraft on the water approaching another aircraft or a vessel head-on, or approximately so, shall alter its heading to the right so as to keep well clear.

(4) The aircraft or vessel on the water that is being overtaken has the right of way, and the one overtaking shall alter its heading to keep well clear.

(5) The pilot-in-command of an aircraft landing on or taking off from the water shall ensure that the landing or take-off path is clear of all vessels and aircraft.

533. By night, at airports used or available for night flying, aircraft parked or being moved on the manoeuvring area or in proximity thereto shall be clearly illuminated or lighted, or the area that they occupy marked with obstruction lights; between sunset and sunrise an aircraft on the water and not under way shall display where it can best be seen a white light visible in all directions on the horizon at a distance of at least one mile unless within any area specifically exempted by the Minister.

534. The pilot-in-command of any aircraft shall, in accordance with any direction of the Minister in that behalf,

- (a) submit a flight plan to the appropriate air traffic control unit prior to the commencement of any VFR flight, or
- (b) submit a flight notification to the appropriate air traffic control unit, or, if communication facilities are inadequate to permit communication with an air traffic control unit, to a responsible person, prior to the commencement of any flight.

535. No person shall knowingly submit any flight plan or flight notification as required by these Regulations that contains any false or misleading statement or matter, or that is calculated to deceive any person to whom it is so required to be submitted.

536. Where any flight is made in deviation from a VFR flight plan or a flight notification, the pilot-in-command of the aircraft shall, as soon as practicable, notify the person or agency with whom the flight plan or flight notification was filed of such deviation.

537. The pilot-in-command of an aircraft shall:

- (a) where a VFR flight plan has been filed, report his arrival to the appropriate air traffic control unit within thirty minutes after landing, or
- (b) where a flight notification has been filed with any air traffic control unit, report his arrival to the appropriate air traffic control unit within twenty-four hours of the time the pilot-in-command shall have indicated on the flight notification.

538. No single-engined landplane shall be operated on a commercial air service over water beyond gliding distance from shore except as authorized by the Minister, nor shall any flight be commenced in any single-engined aircraft with intent that the flight should be a trans-oceanic flight, multi-engined landplanes unable to maintain flight in the event of failure of the critical engine shall be deemed to be single-engined landplanes for the purpose of this section.

DIVISION III

Visual Flight Rules (VFR)

539. In controlled airspace no flight being made in accordance with the visual flight rules shall be continued in accordance with the instrument flight rules except with the authority of the appropriate air traffic control unit.

540. When operated in accordance with the visual flight rules, aircraft shall be flown with visual reference to the ground or water unless otherwise authorized by the appropriate air traffic control unit in accordance with any directions of the Minister in that behalf.

541. VFR flights within controlled airspace and elsewhere shall be made in accordance with such VFR flight minima as may be directed by the Minister.

542. The amount of fuel and oil carried on board any aircraft at the commencement of any VFR flight shall be sufficient, anticipated wind and other weather conditions having been considered, to fly to the place of intended landing and thereafter,

- (a) in the case of an aircraft other than a helicopter for forty-five minutes at normal cruising speed, and
- (b) in the case of a helicopter, for twenty minutes at normal cruising speed.

543. No aircraft shall be flown under simulated instrument flight conditions unless,

- (a) the aircraft is equipped with fully functioning dual controls; and
- (b) a competent pilot occupies a control seat to act as safety pilot for the person who is flying under simulated instrument flight conditions; the safety pilot shall have adequate vision forward and to each side of the aircraft, or a competent observer in communication with the safety pilot shall occupy a position in the aircraft from which his field of vision adequately supplements that of the safety pilot.

DIVISION IV

Instrument Flight Rules (IFR)

544. For the purposes of any IFR flight,

- (a) the pilot of the aircraft shall possess such special qualifications as may be directed by the Minister; and
- (b) the aircraft shall be equipped with such instruments and radio apparatus as may be directed by the Minister.

545. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, or during IFR weather conditions a flight plan for the flight containing such information as may be specified by the Minister shall be submitted by the pilot-in-command of the aircraft to the appropriate air traffic control unit.

(2) Except as otherwise authorized by the Minister, no IFR flight shall be made in controlled airspace unless the flight plan as submitted includes an alternate airport having a landing area suitable for use by the aircraft in question.

(3) A particular alternate airport shall be included in the flight plan only when current forecasts show a trend indicating that the ceiling and visibility at that alternate airport will, at the expected time of arrival, be at or above such minima as may be specified by the Minister.

546. (1) Prior to taking off from any point within and prior to entering any controlled airspace during IFR flight, or during IFR weather conditions, an air traffic control clearance based on the flight plan shall be obtained from the appropriate air traffic control unit, and the aircraft shall be flown in accordance with such clearance, and, unless otherwise authorized by the appropriate air traffic control unit, shall follow the instrument approach procedures approved for the airport to be used.

(2) No deviations shall be made from the requirements of any air traffic control clearance except in an emergency that necessitates immediate action, in which case, as soon as possible after any action has been taken in connection with such emergency, the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation and, if necessary, obtain an amended clearance.

547. (1) Subject to subsection (2), no aircraft shall be flown in accordance with the instrument flight rules within controlled airspace unless a continuous listening watch is maintained on the appropriate radio frequency of the air traffic control unit concerned and two-way communication is established therewith.

(2) If unable to maintain two-way radio communication as required by subsection (1), the pilot-in-command of the aircraft shall comply with such alternative procedures as may be directed by the Minister.

548. (1) During IFR flight, position reports to the appropriate air traffic control unit shall be made over such reporting points as are designated by the Minister and over such other reporting points as are specified by the appropriate air traffic control unit; in the absence of reporting points designated by the Minister, position reports to the air traffic control unit shall be made at such intervals and at such locations as are specified by such unit.

(2) All position reports required by subsection (1) shall contain such information and shall be made in such manner as may be directed by the Minister.

549. Except as authorized by the Minister, no IFR flight shall be commenced unless, wind and other anticipated meteorological conditions having been considered, sufficient fuel and oil are carried to fly to the airport of intended landing, thence to an alternate airport and thereafter for forty-five minutes at normal cruising speed.

550. Where there are indications that traffic delays may be encountered, such quantities of fuel and oil as may be necessary in addition to the minima required by this Division shall be carried to meet such conditions.

551. Except when taking off or landing, or except as specifically authorized by the Minister, aircraft in IFR flight shall not be flown except at altitudes of at least one thousand feet above the highest obstacle located

within a horizontal radius of five miles from the estimated position of the aircraft in flight, but the Minister may direct that flights over any area specified by him shall not be conducted except at such higher minima altitude as may be specified by him.

552. The weather operating minima in respect of any airport as specified in the "Canada Air Pilot" issued under the authority of the Minister or elsewhere specified and duly approved by the Minister, apply in respect of all landings and take-offs made in accordance with the instrument flight rules at that airport.

553. In controlled airspace all flights being made in accordance with the instrument flight rules shall continue in accordance with the instrument flight rules, regardless of weather conditions, unless and until such time as the appropriate air traffic control unit is notified to the contrary.

554. The pilot-in-command of an aircraft may elect to conduct a flight under the instrument flight rules in conditions of visibility and distance from cloud equal to or better than VFR minima.

555. The pilot-in-command of an aircraft making an IFR flight for which a flight plan has been submitted shall report his arrival to the appropriate air traffic control unit as soon as possible after landing.

DIVISION V

Lights and Visual Signals

556. In this Division "visible", in relation to any light or signal, means visible on a dark night in a clear atmosphere.

557. (1) By night all heavier-than-air aircraft in flight or manoeuvring on the ground and between sunset and sunrise all aircraft under way on the water shall display the following lights:

- (a) a forward red light displayed on the left side and a forward green light on the right side, either steady or flashing, each showing an unobstructed light between two vertical planes whose dihedral angle is 110° when measured to the left and right respectively of the aircraft from dead ahead; such forward lights shall be spaced laterally as far apart as practicable and shall be visible at a distance of at least five miles; and
- (b) a rear steady white light, or flashing white, or alternating white and red, displayed as far aft as possible, showing between two vertical planes a light visible aft throughout a dihedral angle of 140° bisected by vertical plane through the longitudinal axis of the aircraft, such light to be visible at a distance of at least three miles.

(2) By night all aircraft, other than heavier-than-air aircraft, in flight or manoeuvring on the ground and between sunset and sunrise all seaplanes and other amphibian aircraft on the surface of the water but not under way shall display such lights as may be prescribed by the Minister.

(3) Aircraft carrying passengers by night shall be equipped with a functioning landing light or landing lights.

(4) No lights other than those prescribed by this section shall be displayed by any aircraft that might be mistaken for the lights so prescribed.

558. Distress and urgency signals shall be given in accordance with such directions as may be issued by the Minister, but nothing in this section shall be held to prevent the use by a member of the flight crew of an aircraft in distress of any means at his disposal to attract attention and to make known the position of the aircraft and obtain help.

559. No light signal or ground marking for the control of air traffic shall be given or displayed at any airport except by the appropriate air traffic control unit, or, if no such unit is in operation, by a person thereto authorized by the Minister, and no such signal or marking shall be given or displayed except as prescribed by section 560.

560. (1) Directional light signals to aircraft in flight shall be given as follows:

- (a) a steady green light means "CLEARED TO LAND";
- (b) a steady red light means "GIVE WAY TO OTHER AIRCRAFT AND CONTINUE CIRCLING";
- (c) a series of green flashes means "RETURN FOR LANDING", and shall be followed at the proper time by a steady green light; and
- (d) a series of red flashes means "AIRPORT UNSAFE; DO NOT LAND".

(2) Directional light signals to aircraft on the manoeuvring area of an aerodrome shall be given as follows:

- (a) a steady green light means "CLEARED FOR TAKE-OFF";
- (b) a steady red light means "STOP";
- (c) a series of green flashes means "CLEARED TO TAXI";
- (d) a series of red flashes means "TAXI CLEAR OF LANDING AREA IN USE"; and
- (e) a flashing white light means "RETURN TO STARTING POINT ON AIRPORT".

(3) The firing of a red pyrotechnical light, whether by day or night and notwithstanding any previous instruction, means "DO NOT LAND FOR THE TIME BEING".

(4) By day or by night a series of projectiles discharged at intervals of ten seconds, each showing on bursting, red and green lights or stars, means: "YOU ARE IN THE VICINITY OF A PROHIBITED, DANGER OR RESTRICTED AREA, ALTER COURSE".

(5) Ground markings displayed for the control of air traffic at any aerodrome or other areas on the land or water shall be in accordance with such directions as may be issued by the Minister.

561. The pilot-in-command of an aircraft in respect of which any light signal or ground marking is given or displayed as prescribed by section 560 shall comply with such signal or marking according to its meaning.

Part VI

AIR TRAFFIC CONTROL

600. The Minister may, subject to these Regulations, make such directions as he deems necessary

- (a) respecting the provision of air traffic control service within such portions of the airspace and at such airports as may be specified by him; and
- (b) respecting the standards and procedures to be followed in the operation of any air traffic control service or any air traffic control unit.

601. Any person who, by virtue of his employment in association with the movement of air traffic, is under a duty to forward information received by him to an appropriate air traffic control unit shall, immediately upon receipt of the information or as soon thereafter as possible, forward such information to the appropriate air traffic control unit.

Part VII

COMMERCIAL AIR SERVICE OPERATIONS

700. No person shall operate in Canada any commercial air service unless he holds a valid and subsisting certificate issued by the Minister certifying that the holder thereof is adequately equipped and able to conduct a safe operation as an air carrier over a prescribed route or in a prescribed area.

701. Every certificate issued under this Part shall be in such form as the Minister prescribes and shall contain such special terms and conditions for the safe and proper operation of the service as the Minister deems necessary.

702. Subject to these Regulations, no person shall operate any commercial air service except in accordance with such standards for the safe and proper operation of the service as may be prescribed by the Minister.

703. The Minister may cancel or suspend a certificate issued under this Part where

- (a) the person to whom the certificate is issued has failed to conduct the service in a safe and proper manner or to maintain adequately the equipment required in connection with the operation of a service,
- (b) the certificate has been mutilated, altered or rendered illegible, or
- (c) the service in respect of which the certificate was issued is discontinued.

704. Every owner of a commercial aircraft shall make such returns and furnish such particulars to the Minister in connection with the aircraft as the Minister may prescribe.

705. (1) Every operator of a commercial air service shall, when required by a person thereto authorized by the Minister, permit such person to have access to and to inspect and examine all parts of the premises, aircraft and equipment used in such commercial air service, including aircraft when in flight whether on scheduled or non-scheduled commercial flights or otherwise.

(2) The Minister may make such inquiries into the manner of conducting any commercial air service as he deems necessary for purposes of this Part.

Part VIII

DIVISION I

Miscellaneous Provisions

800.(1) Explosives and other dangerous articles or substances shall not be carried on board any aircraft except as authorized by the Minister.

(2) No person shall send or take upon an aircraft any explosives or other dangerous articles or substances without distinctly marking their nature on the outside of the containers thereof or otherwise giving notice thereof to the person in charge of the aircraft, or the person whose duty it is to receive such goods on board.

(3) No aircraft carrying explosives or other dangerous articles or substances shall carry any passenger other than the owner of such goods or his accredited representative.

(4) Subsection (3) does not apply in respect of ammunition ordinarily used for hunting or sporting purposes or as emergency equipment, and subsections (1) to (3) do not apply in respect of explosives or other dangerous articles or substances necessary for the operation of the aircraft or for the safety of crew members or passengers on board.

(5) The pilot-in-command of an aircraft shall, if practicable, advise the appropriate air traffic control unit when explosives or other dangerous articles or substances are carried on the aircraft.

801. The engine or engines of any aircraft shall not be started unless the pilot's seat is occupied by a person competent to control the aircraft or unless the aircraft is prevented from moving forward, and the engines shall not be left running unless the pilot's seat is occupied by a person competent to control the aircraft.

802. No aircraft shall take off or land by night at an unlighted aerodrome.

803. (1) The pilot-in-command of an aircraft who is given a signal to land, in a form prescribed by the Minister, or given any instruction to land shall, subject to any direction given by any air traffic control unit, forthwith land the aircraft in accordance with the signal or instruction.

(2) For the purposes of subsection (1), a signal or instruction to land may be given by a peace officer, an officer of customs or immigration, an officer of the Royal Canadian Air Force acting within the scope of his duty or any person thereto authorized by the Minister.

(3) No person shall give any signal or instruction to land as provided in subsection (1) without good and sufficient cause, and for the purposes of any prosecution for a contravention of the provisions of this subsection the onus of proof that he had such good and sufficient cause is on the person accused of such contravention.

804. The owner or operator of an aircraft shall, upon notice by mail to his registered address given by the Minister, advise the Minister as to where the aircraft is then stationed and whether or not it is then in a serviceable condition.

805. The owner or operator of any aircraft shall, upon reasonable notice given to him by the Minister, make available such aircraft for inspection in accordance with the notice.

806. Every person who

- (a) is the holder of any licence, certificate or permit issued under these Regulations;
- (b) is the owner, operator or pilot-in-command of any aircraft in respect of which any certificate, log book or other document is kept; or
- (c) has in his possession any licence, certificate or permit issued under these Regulations or any log book or other document relating to any aircraft or commercial air service;

shall, upon demand,

- (d) produce the licence, certificate, permit, log book or other document, as the case may be, for inspection by a peace officer, officer of customs or immigration or any person thereto authorized by the Minister; or
- (e) surrender the licence, certificate, permit, log book or other document, as the case may be, to a peace officer or any person thereto authorized by the Minister.

807. Where any licence, certificate, permit or other document issued under these Regulations has been cancelled or suspended, the person to whom it was issued shall forthwith return it to the Minister.

808. The Minister may withhold the issue of any licence, certificate, permit or other document under these Regulations if, in his opinion, the issue thereof is not in the public interest.

809.(1) No person shall knowingly

- (a) use, deal with or act upon any licence, certificate, permit or other document issued under these Regulations that has been cancelled or suspended, or to which he is not by these Regulations entitled;
- (b) lend any licence, certificate, permit or other document issued under these Regulations to any person who is not by these Regulations entitled thereto, or allow the same to be used by any such person;
- (c) make or assist in making or procure the making of any false representations for the purpose of obtaining for himself or any other person the issuance of a certificate, permit or other documents issued under these Regulations; or
- (d) mutilate, alter or render illegible any licence, certificate, permit or other document issued under these Regulations.

(2) No person shall knowingly mutilate, alter or render illegible any log book or any entry made therein, or make, procure or assist in the making of, any false entry in, or omission from, any log book, nor shall any person knowingly destroy any log book during the period for which it is required by these Regulations to be kept.

810. The Minister may make directions with respect to aircraft altimeter settings.

811. Where the Minister has reason to believe, upon complaint or otherwise, that an aircraft within Canada is intended or is about to proceed upon a flight in contravention of these Regulations or while in a condition unfit for flight, he may make such directions and take such action by way of the provisional detention of the aircraft or otherwise as he deems necessary, for the purpose of causing the circumstances relating to the flight to be investigated, or the aircraft to be detained until such time as he is satisfied that the Regulations are being complied with or until such alterations or repairs as he deems necessary to render the aircraft fit for flying have been made.

812. No person shall wilfully obstruct or impede any person in the execution of his powers or duties under these Regulations.

813. Neglect on the part of any person to whom any licence, certificate or permit has been issued under these Regulations of any precaution that may be required by the ordinary practice of the air or by the special circumstances of the case, or the contravention of these Regulations or any direction of the Minister thereunder by any such person is cause for the suspension of such licence, certificate or permit.

814. Failure on the part of any person to whom any licence, certificate or permit has been issued under these Regulations to observe or comply with the conditions upon which such licence, certificate or permit was issued shall be deemed to constitute a contravention of these Regulations by such person.

815. Every person who

- (a) flies or manoeuvres or otherwise uses or operates any aircraft contrary to the provisions of these Regulations or any direction of the Minister thereunder;
- (b) uses or operates any aerodrome contrary to the provisions referred to in paragraph (a);
- (c) is a party to any act described in paragraph (a) or (b);
- (d) is the owner or operator or the pilot-in-command of any aircraft by means of which any act described in paragraph (a) is committed; or
- (e) is the operator of any aerodrome in respect of which any act described in paragraph (b) is committed;

shall be deemed to have contravened the provisions so referred to unless, in any prosecution for such contravention, he establishes that the act so described took place without his knowledge or consent or that he exercised all due diligence to prevent its commission.

816. (1) In complying with these Regulations due regard shall be had to all dangers of navigation and of possible collision, and to any special circumstances rendering non-compliance therewith necessary to avoid immediate danger.

(2) In any prosecution for a contravention of these Regulations or any direction of the Minister thereunder it is a good defence if the person charged therewith establishes that the contravention took place due to stress of weather or other unavoidable cause as contemplated by this section.

817. Nothing in these Regulations shall be held to relieve the owner, operator or flight crew member of an aircraft of the consequences of any neglect in the use of lights or signals, or of any neglect to keep a proper lookout, or of neglect of any precaution that is required by the ordinary practice of the air or by the special circumstances of the case.

818. Before any licence, certificate or permit is first issued under these Regulations, the applicant therefor shall remit to the Minister,

- (a) for a certificate of registration of an aircraft, a fee of \$5.00;
- (b) for a certificate of airworthiness of an aircraft, a fee of \$5.00;
- (c) for a flight permit for an ultra-light or a private aircraft, a fee of \$5.00;
- (d) for an aircraft type approval, a fee of \$25.00;
- (e) for an airport licence, a fee of \$10.00; and
- (f) for any licence or permit under Part IV, a fee of \$5.00.

819. No photograph shall be taken from an aircraft of any penitentiary, as defined in the Penitentiaries' Act, except with the permission of the Minister nor shall photographic apparatus be installed in, or photographs otherwise taken from any aircraft while operating in or over Canadian territory unless such aircraft is registered in Canada.

820. All flight crew members of an aircraft shall, during the flight time of the aircraft, be responsible to and obey the orders, instructions and commands of the pilot-in-command of the aircraft or such person as the pilot-in-command may authorize to act on his behalf.

DIVISION II

Certificates, Licences, Manuals, Logs and Records

821. No person shall fly any aircraft unless there is carried on board the aircraft the certificate of registration, certificate of airworthiness or flight permit and journey log book relating to the aircraft, the authority and licence for the equipment and working of the radio equipment, if any, and the licences or permits of all members of the flight crew of the aircraft.

822. (1) Every owner of a commercial aircraft shall keep and maintain, in a form prescribed by the Minister,

- (a) an aircraft log book and a journey log book for the aircraft;
- (b) an engine log book for each engine of the aircraft; and
- (c) a propeller log book for each propeller of the aircraft;

and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

(2) The owner of a private aircraft shall keep and maintain a journey log book in a form prescribed by the Minister, and in addition, a detailed engineering history of the aircraft including a record of repairs, replacements, overhauls and modifications and shall enter or cause to be entered therein such particulars as may be specified by the Minister.

823. Entries in log books shall be made accurately and in ink as soon as possible after the events they record; entries to be made in the journey log book may first be made in a note book but shall be permanently entered within twenty-four hours after the events recorded; all entries in log books shall be made by a competent person and signed by such person, and no erasures shall be made in, nor any leaf torn from, any log book required by these Regulations to be kept.

824. Every owner of an aircraft shall

- (a) preserve all log books for the aircraft or its engines or propellers for a period of not less than two years after the date of the last entry therein; and
- (b) on the first page of every log book taken into use to replace another log book, enter the last two entries from the log book so replaced.

825. In any prosecution for a contravention of these Regulations or any direction of the Minister thereunder, an entry in any log book is, as against the person who made the entry and the owner and operator of the aircraft to which the log book relates, *prima facie* proof of the truth of the statements contained therein.

DIVISION III

Accidents and Boards of Inquiry

826. (1) Where any aircraft accident occurs, the pilot-in-command and the operator of the aircraft involved shall, as soon as possible thereafter and by the quickest means of communication available, report to the Minister the date and place of the accident and such other particulars thereof as the Minister may direct.

(2) Where any aircraft is missing on a flight, the owner and the operator of the aircraft shall, by the quickest means of communication available, notify the Minister of the fact in accordance with any direction of the Minister in that behalf.

(3) Performance by any person under a duty imposed by this section of any duty so imposed to report an aircraft accident or to notify the Minister of any aircraft missing on a flight relieves any other person under the duty so imposed of the obligation to perform such duty.

827. No aircraft involved in any accident causing death or injury to any person shall be removed or otherwise interfered with, without permission from the Minister, but the aircraft or any part thereof may be displaced or removed as may be necessary to extricate any person, to remove any mail, to prevent destruction by fire or other cause, or to avoid danger to any person or property.

828. The Minister may constitute or authorize the constitution of Boards of Inquiry of one or more members for the purpose of investigating the circumstances of any accident or of any alleged breach of these Regulations, and any Board of Inquiry so constituted shall have power to take evidence upon oath or otherwise.

829. (1) The Minister may designate a person as an aircraft accident investigator to investigate any aircraft accident.

(2) An aircraft accident investigator shall have authority to hear and receive evidence upon oath or otherwise.

830. (1) A Board of Inquiry or an aircraft accident investigator may by writing under the hand of a member of the Board or the aircraft accident investigator require any person to attend and give evidence before such Board or aircraft accident investigator.

(2) Every person required to give evidence before a Board of Inquiry or an aircraft accident investigator in the manner prescribed under subsection (1) shall attend and give evidence upon being so required.

(3) Any person who attends and gives evidence before any such Board of Inquiry or aircraft accident investigator is entitled to receive witness fees and travel expenses according to the tariff of fees payable to witnesses in the Superior Court of the province in which such evidence is given.

DIVISION IV

Transitional and Other Provisions

831. A reference in these Regulations to the Minister includes, in relation to any particular power, duty or function of the Minister under these Regulations, a reference to any person authorized by the Minister to exercise or perform such power, duty or function.

832. Any registration effected or, with reference to any document, any act or thing done under the authority of the provision of the *Air Regulations* established by Order in Council P.C. 1954-1821 of November 23, 1954, or of any Part, section, paragraph or other portion thereof, shall, for the purposes of these Regulations, be deemed to have been effected or done, as the case may be, under the provisions of these Regulations or of any Part, Division, section, subsection or other portion thereof corresponding to the provisions so referred to.

